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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,287

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Richard K. Hose JR.

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01/05/2006

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EXAMINER

PHUNG, ANH K

ART UNIT

PAPER NUMBER

2824

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/749,287	Applicant(s) HOSE ET AL.	
	Examiner ANH PHUNG	Art Unit 2824	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 13-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input checked="" type="checkbox"/> Other: <u>Search History</u> .                   |

### **Detailed Action**

1. This Office Action is response to the Election received on Oct. 27, 2005, the elected claims **1-12** are pending in the application. Applicant is requested to cancel the non-elected claims **13-25** in the next response.

### **Abstract**

2. The abstract of the disclosure is objected to because the words such as "**comprises**" cannot be used. Correction is required. See MPEP § 608.01(b).

### **Specification**

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### **Claim Objections**

4. Claim **10** is objected to because of the following informalities:

In claim **10**, line 4, the limitation of "a **first** ground" should be changed, because there is no "a **second** ground" in claims **10-12**.

Appropriate correction is required. Also, Applicant's cooperation is requested in correcting any minor errors of which applicant may become aware in the claims.

### **Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **10** and **11** are rejected under 35 U.S.C. 102(e) as being anticipated by Jeung (US 6,674,670).

Regarding claims **10** and **11**, Jeung discloses in Figures 3 and 4, an apparatus comprising a memory cell (410, Fig. 4) coupled to a supply voltage (Vdd, Fig. 4); ground control circuitry (443) coupled to the memory cell to programmably control a voltage at a **first ground** (VGND1, Fig. 4). Also, Jeung discloses the ground control circuitry having a plurality of MOSFET devices (N3, N4, Fig. 4).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **10** and **11** are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al. (US 5,986,923).

Regarding claims **10** and **11**, Zhang et al. disclose in Figure 3, an apparatus comprising a memory cell (310b, Fig. 3) coupled to a supply voltage (Vdd, Fig. 3); ground control circuitry (340-350) coupled to the memory cell to programmably control a voltage at a ground (320, Fig. 3). Also, Zhang et al. disclose the ground control circuitry having a plurality of MOSFET devices (N340, N350, Fig. 4).

***Allowable Subject Matter***

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8. Claims **11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Jeung discloses all the claimed invention as described above, but fails to teach "the plurality of MOSFET devices comprise binary weighted transistors" as claimed in the dependent claim **11**.

Claims **1-9** are allowed.

Jeung discloses all the claimed invention as described above, but fails to teach "first circuitry coupled to the memory cell to provide a first voltage to the memory cell during a first period, the first voltage referenced to the first ground; and second circuitry coupled to the memory cell to provide a second voltage to memory cell during a second period, the second voltage referenced to a second ground different from the first ground" as claimed in the independent claim **1**; the dependent claims **2-9** are also allowed.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANH PHUNG** whose telephone number is **(571) 272-1883**. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD ELMS**, can be reached on **(571) 272-1869**. The fax phone

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number for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

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**AKP**

A handwritten signature in black ink, appearing to read "Anh Phung", written in a cursive style.

**ANH PHUNG  
PRIMARY EXAMINER**